

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|----------------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:16CR296 |
| |) | |
| v. |) | FINDINGS AND RECOMMENDATION |
| |) | AND |
| MIGUEL NICOLAS-FRANCISCO, |) | ORDER |
| |) | |
| Defendant. |) | |

At the conclusion of the hearing on November 10, 2016, on the defendant's motion to dismiss, I stated my conclusions on the record and my decision to recommend that the motion to dismiss be granted with prejudice. In accordance with that announcement,

IT IS RECOMMENDED to the Honorable Robert F. Rossiter, Jr., United States District Judge, that the motion to dismiss (Filing No. 21), be granted with prejudice as set forth in the oral Findings and Recommendation.

FURTHER, IT IS ORDERED:

1. The clerk shall cause a transcript of the hearing to be prepared and filed.
2. Pursuant to NECrimR 59.2 any objection to this Findings and Recommendations shall be filed with the Clerk of the Court within fourteen (14) days after being served with a copy of this Findings and Recommendations. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 10th day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge